

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-CR-00019-RJC

USA)
)
 v.) ORDER
)
 RONALD MCKNIGHT)
)

THIS MATTER is before the Court upon the defendant's post-verdict Motion for a Judgment of Acquittal. (Doc. No. 81).

In the instant motion, the defendant challenges the jury's verdict claiming there was insufficient evidence "to show a taking 'by force and violence or intimidation' to convict him of bank robbery under 18 U.S.C. § 2113(a)." (*Id.* at 1). "In reviewing the sufficiency of the evidence following a conviction, the court is to construe the evidence in the light most favorable to the government, assuming its credibility, and drawing all favorable inferences from it, and will sustain the jury's verdict if any rational trier of fact could have found the essential elements of the crime charged beyond a reasonable doubt." United States v. Penniegraft, 641 F.3d 566, 571-72 (4th Cir. 2011) (citing Jackson v. Virginia, 443 U.S. 307, 319, (1979) and United States v. Lomax, 293 F.3d 701, 705 (4th Cir. 2002)). "The test in this circuit for intimidation under § 2113(a) is whether an ordinary person in the teller's position reasonably could infer a threat of bodily harm from the defendant's acts." United States v. Woodrup, 86 F.3d 359, 363 (4th Cir. 1996)(internal quotation marks and citations omitted).

Here, the Court found at the close of the evidence and after the verdict was returned that the evidence was sufficient on each count to deny the defendant's Rule 29 motions. In consideration of the instant motion, the Court continues to find that the evidence was sufficient

for the jury to find the defendant took money from bank employees with force and violence or intimidation where, among other circumstances, the defendant presented a note to each teller stating “robbery” and “no die [sic] pack” and kept his hand in the pocket of a hooded sweatshirt while interacting with them.

IT IS, THEREFORE, ORDERED that the defendant’s Motion for a Judgment of Acquittal, (Doc. No. 81), is **DENIED**.

Signed: September 8, 2017



Robert J. Conrad, Jr.
United States District Judge